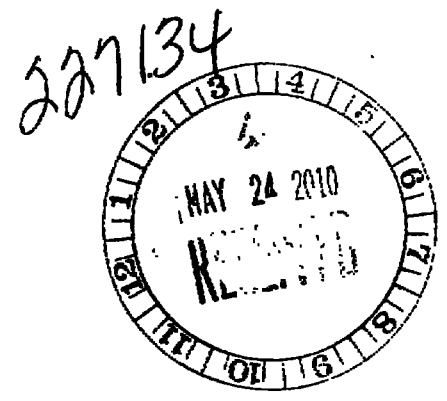


**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



DOCKET NO. 42119

**NORTH AMERICA FREIGHT CAR ASSOCIATION**

v.

**UNION PACIFIC RAILROAD COMPANY**

**ENTERED  
Office of Proceedings**

**MAY 24 2010**

**Part of  
Public Record**

**JOINT REPORT OF THE PARTIES PURSUANT TO  
49 C.F.R. 1111.10, INCLUDING REQUEST TO HOLD PROCEEDINGS IN  
ABEYANCE WHILE PARTIES EXPLORE INFORMAL DISCOVERY AND THE  
POSSIBILITY OF SEEKING MEDIATION**

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May 24, 2010

As required by 49 C.F.R. 1111.10(a), the parties have discussed, by telephone, discovery and other procedural matters and hereby submit their joint report resulting from such discussions.

At this time, both parties are interested in considering whether mediation might lead to resolution of this dispute or narrow the issues. However, each party feels it needs more information about the other party's concerns before a judgment as to the value of mediation can be made. Accordingly, the parties have exchanged informal discovery requests, without prejudice to pursuit of formal discovery if rendered necessary by the future course of this proceeding.

If it appears worthwhile to pursue mediation, such mediation should precede full discovery and the development of a procedural schedule. The parties hope that they can conclude informal discovery and reach a conclusion within 75 days of the date of this report. We accordingly request that the filing of a proposed procedural schedule be held in abeyance until 75 days from now, by which point the parties will report further to the Board and place before the Board either a request for mediation or procedural proposals jointly or separately.

To facilitate informal discovery, the parties will shortly file a joint request that the Board issue a protective order in this proceeding.

Respectfully submitted,



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